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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,129	12/28/2001	Barry Edward Schliesmann	SPTV-01101US0	1610
28554 7590 04/25/2008 VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105				
EXAMINER				
CHOWDHURY, SUMAIYA A				
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2623				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/034,129

Applicant(s)

SCHLIESMANN ET AL.

Examiner

SUMAIYA A. CHOWDHURY

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-32 and 34-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-32 and 34-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/6/08 have been fully considered but they are not persuasive.

(a) Applicant argues "...LaJoie does not disclose the step of 'comparing said event data to an alert parameter'..." on page 7, 4th paragraph of the Remarks filed 2/6/08.

The event data (information pertaining to sporting events, political events, judicial events, community events, entertainment events, etc. - col. 8, lines 49-60) is transmitted from telecast facility 20 to set-top terminal 32. The user selects to have certain types of event data displayed. In the example provided in the reference, the user selects to have Football scores and statistics displayed (col. 10, lines 30-62, col. 11, lines 33-41, col. 12, lines 15-25). The Examiner is interpreting the selected Football scores and statistics to be the alert parameter. The event data is continuously received from the telecast facility. The set-top box filters out the user selected event data to be displayed. The filtering of event data is performed by comparing the event data to an alert parameter.

(b) Applicant argues "...LaJoie does not disclose the step of 'providing an alert for said user of said customer premise equipment...'." on page 8, 3rd paragraph.

The Examiner disagrees. Referring to Fig. 6, when an event of user interest occurs, the corresponding event data is displayed in the banner 94. For example, the

banner 94 may inform (alert) the user that a particular team has substituted a new quarterback into the game. The viewer can then select the show me icon 102 to cause the set-top terminal to tune to the game for which the new quarterback information was displayed. In this way, the user can watch an event of primary interest in the video content region 92 while keeping track of the progress of other events using the information displayed in the event database banner 94 (col. 12, lines 15-27).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-23, 26-28, 30-32, 34-37, and 39-44 are rejected under 35 U.S.C. 102(e) as being anticipated by LaJoie (6049333).

As for claim 21, LaJoie teaches a method for generating notifications, comprising:
receiving event data at customer premise equipment (col. 6, lines 1-10), said event data is received when an event occurs within a program not currently being viewed via a network from a server located remote from said customer premise equipment (col. 10, lines 57-62), said event data provides information about said

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event occurring within said program not currently being viewed, said customer premise equipment is local to a user and said server is located remote from said user (fig. 1; col. 5, lines 1-47);

comparing said event data to an alert parameter, said comparison is performed at and by said customer premise equipment, said customer premise equipment stores said alert parameter for only one output device – (The event data (information pertaining to sporting events, political events, judicial events, community events, entertainment events, etc. - col. 8, lines 49-60) is transmitted from telecast facility 20 to set-top terminal 32. The user selects to have certain types of event data displayed. In the example provided in the reference, the user selects to have Football scores and statistics displayed (col. 10, lines 30-62, col. 11, lines 33-41, col. 12, lines 15-25). The Examiner is interpreting the selected Football scores and statistics to be the alert parameter. The event data is continuously received from the telecast facility. The set-top box filters out the user selected event data to be displayed. The filtering of event data is performed by comparing the event data to an alert parameter. col. 3, lines 4-20, col. 7, lines 55-65); and

providing an alert for said user of said customer premise equipment via said output device during said program indicating said event occurring in said program if said received event data satisfies said alert parameter – (Referring to Fig. 6, when an event of user interest occurs, the corresponding event data is displayed in the banner 94. For example, the banner 94 may inform (alert) the user that a particular team has substituted a new quarterback into the game. The viewer can then select the show me

icon 102 to cause the set-top terminal to tune to the game for which the new quarterback information was displayed. In this way, the user can watch an event of primary interest in the video content region 92 while keeping track of the progress of other events using the information displayed in the event database banner 94 - col. 12, lines 15-27, col. 5, lines 9-13, col. 11, lines 26-30).

As for claim 22, LaJoie teaches:

providing a mechanism for said user to tune in said program not currently being viewed on said output device in response to said alert, said output device is a television – col. 10, lines 40-43, col. 11, lines 59-col. 12, lines 9.

As for claims 23 and 37, LaJoie teaches:

said providing a mechanism includes displaying a user interface which provides an input item for a user to select and tuning in said program not currently being viewed in response to said user selecting said input item – col. 11, lines 59-col. 12, lines 9.

Claim 26 contains the limitation of claims 21 and 22 and is analyzed as discussed with respect to those claims.

As for claim 27, LaJoie teaches:

said first program and said second program are broadcast television programs – (televised; col. 10, lines 57-62); and

said providing a mechanism includes displaying an interface on a television displaying said output device while said output device is displaying said first program, said output device is a television – col. 8, lines 19-37.

As for claim 28, LaJoie teaches:

providing an interface for said user to specify said alert parameter – col. 5, line 60- col. 6, line 15, col. 7, line 65-col. 8, line 11, col. 8, lines 22-30, lines 55-61;

receiving said alert parameter via said interface – col. 5, line 60- col. 6, line 15, col. 7, line 65-col. 8, line 11, col. 8, lines 22-30, lines 55-61;

storing said alert parameter – (User can select from among plural event databases. col. 5, line 60- col. 6, line 15, col. 7, line 65-col. 8, line 11, col. 8, lines 22-30, lines 55-61);

As for claim 30, LaJoie teaches:

said receiving event data includes receiving said event data from a server at a head-end premises – col. 5, lines 27-35, lines 48-65

Claim 31 contains the limitations of claims 21 and 30 and is analyzed as previously discussed with respect to those claims.

As for claim 32, LaJoie teaches:

said event data is received while a second visual program is displayed in

association with said customer premise equipment –col. 12, lines 10-27.

As for claim 34, LaJoie teaches:

said alert indicates an occurrence of said first event – col. 11, line 59-67; and

said alert parameter identifies said first event – col. 5, line 60- col. 6, line 15, col. 7, line 65-col. 8, line 11, col. 8, lines 22-30, lines 55-61.

Claim 35 contains the limitations of claims 21, 28, 30 and is analyzed as previously discussed with respect to those claims.

As for claim 36, LaJoie teaches:

said customer premise equipment includes a set-top box (32-fig. 1).

Claim 39 contains the limitations of claim 28 and is analyzed as previously discussed with respect to that claim.

As for claims 40 and 41, LaJoie teaches said server is a network service provider receiving data feeds from one or more data feed providers – col. 8, lines 56-62, col. 4, lines 65-67.

As for claim 42, LaJoie teaches said server is located at a head-end premises (col. 5, lines 5-65).

Claim 43 contains the limitations of claims 21, 25, 28, and 30-32 and is analyzed as previously discussed with respect to those claims.

As for claim 44, LaJoie teaches said customer premise equipment includes a set-top box (32 – fig. 2) connected to a video monitor (58 – fig. 2) – col. 6, lines 51-55.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24, 25, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie as applied to claim 21 above, and further in view of Iki (6008802).

As for claims 24 and 38, LaJoie fails to teach:

providing a mechanism for said user to record said program not currently being viewed in response to said alert.

In an analogous art, Iki teaches providing a mechanism for said user to record

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said program not currently being viewed in response to said alert – col. 6, lines 52-58.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie's invention to include the above mentioned limitation as taught by Iki, for the advantage of allowing the user to watch the recorded program at later time at the user's convenience.

As for claim 25, LaJoie teaches:

said event data includes event messages – col. 11, lines 60-67;

said event messages includes an event categorization (Scores – fig. 7) and event description (Score stats – fig. 7).

However, LaJoie fails to teach that the event data includes a channel number.

In an analogous art, Iki teaches event message includes channel number (NBC) – col. 5, lines 20-26.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie's invention to include the above mentioned limitation as taught by Iki, for the advantage of informing additional relevant information to the user.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie in view of Kim (6618057)

As for claim 29, LaJoie teaches wherein:

said customer premise equipment includes a set-top box and receiving event data, comparing said event data and providing said alert as discussed above.

However, LaJoie fails to teach an STB running JavaScript code.

In an analogous art, Kim teaches an STB running JavaScript code for compatibility of applications with the STB – col. 3, lines 60-65.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie's invention to include the above mentioned limitation, as taught by Kim, for the advantage of compatibility of applications with the STB.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2623

SAC

